

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 20, 34, 69, 89, 109, will be canceled without prejudice or disclaimer of the subject matter recited therein, and preserving the right to file one or more divisional and/or continuation applications directed to the canceled subject matter and to present arguments for patentability thereof. Moreover, claims 21, 23, 25, 27, 33, 35-38, 40, 41, 43, 46, 48-51, 70, 71, 73-75, 77, 78, 80, 83, 85-88, 90, 91, 93-95, 97, 98, 100, 105-108, 110, 111, 113-115, 117-119, 122-127 will be amended. Therefore, claims 21-28, 33, 35-68, 70-88, 90-108 and 110-1127 will remain pending.

Reconsideration and allowance of the application are respectfully requested.

Disclosure Statements

Applicant expresses appreciation for the inclusion with the Office Action of a copy of the initialed Form PTO-1449, whereby the Examiner's consideration of the Information Disclosure Statement, filed November 6, 2000 is of record.

The Examiner has crossed through the citation to Ellifrits, U.S. Patent No. 676,678 without any indication as to why this document has been crossed through. Applicants therefore are submitting another Form PTO-1449 and respectfully request that the Examiner initial the form, and forward an initialed copy of the form with the next communication from the Patent and Trademark Office.

Applicant is also submitting herewith a Supplemental Information Disclosure Statement. The Examiner is respectfully requested to consider this Supplemental Information Disclosure Statement, and to forward an initialed copy of the Form PTO-

P19570.A16

1449 submitted therewith with the next communication from the Patent and Trademark Office.

Authorization is hereby provided to charge any fees necessary for consideration of either Ellifrits or the Supplemental Information Disclosure Statement to Deposit Account No. 19-0089.

Request For Approval Of Drawing Amendment

Applicant notes that a Request for Approval of Drawing Amendment has been filed November 6, 2000 to show and/or label longitudinal axes for the housing and the lancet holding member in Figs. 1 and 10. Applicants respectfully request that the Examiner approve the proposed amendment to the drawings, and Applicants will submit formal drawings including the approved changes.

Response To Restriction Requirement

Applicant notes that claims 23-28 are withdrawn from consideration as being drawn to non-elected species as shown in Figs. 15 and 17, there being no allowable generic or linking claim.

Applicant respectfully requests that the Examiner reconsider the requirement, and rejoin the non-elected claims upon allowance of the claims under consideration.

Response To Double Patenting Rejection

Applicant notes that an obviousness-type double patenting rejection has been set forth over claims 1, 11, 23, 31 and 41 of U.S. Patent No. 6,156,051.

In response, Applicant notes that the rejection is without sufficient basis, because the claims under rejection are not clearly set forth therein. Moreover, the rejection does not state any indication of any modification of the claims of the patent to arrive at Applicant's presently claimed invention. Accordingly, the rejection should be withdrawn for at least this reason.

Moreover, Applicant notes that a Terminal Disclaimer has previously been filed in this application on May 17, 2001 wherein one of the patents disclaimed therein is U.S. Patent No. 6,156,051.

Therefore, for the reasons noted above, this ground of rejection should be withdrawn.

Response To Indication of Allowable Subject Matter And Rejection Based Upon Davis, U.S. Patent No. 5,984,940

In response to the indication of allowable subject matter, and the rejection based upon Davis, Applicant notes that the claims have been amended herein to be directed to the indicated allowable subject matter. The Examiner is therefore requested to review the claims to ensure that they contain the indicated allowable subject matter, and to mail the Notices of Allowance and Allowability.

P19570.A16

Applicant respectfully submits that the amendment of the claims is made without expressing any agreement or acquiescence with the rejection of record, and preserving Applicant's right to file one or more continuation and/or divisional applications directed to any subject matter included in the claims prior to the instant amendment.

Accordingly, Applicant respectfully submits that the rejection should be withdrawn.

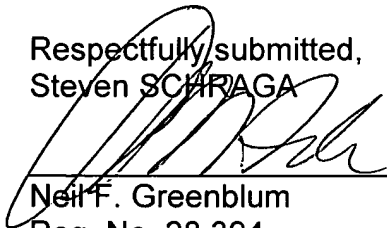
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Steven SCHIRAGA


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Re No 33088

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